

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ALOFT MEDIA, LLC,

Plaintiff,

v.

PALM, INC., et al.

Defendants.

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Civil Action No. 02:08-cv-292-DF

JURY TRIAL DEMANDED

AGREED MOTION TO DISMISS AT&T, INC. WITHOUT PREJUDICE

Plaintiff Aloft Media LLC (“Aloft”), and Defendant AT&T, Inc. (whose correct name is AT&T Inc.) pursuant to Fed. R. Civ. P. 29 and 41, hereby stipulate and jointly move as follows:

AT&T Inc. represents that it does not make, use, sell, offer to sell or import for sale in the United States any of the products accused of infringement in the Complaint or any products that are substantially similar;

AT&T Inc. represents that it is and always has been a holding company, that it does not own or maintain an Internet or telecommunications network, that it does not provide Internet or telecommunications products or services, that it does not have any employees, sales representatives or distributors, and produces nothing to sell or distribute.

AT&T Inc. represents that it will not file a declaratory judgment action against Aloft with respect to U.S. Patent No. 7,305,625 (“the Patent-in-Suit”);

Aloft agrees to dismiss without prejudice its claims against AT&T, Inc. set forth in the First Complaint for Patent Infringement filed on July 29, 2008, pursuant to Fed. R. Civ. P. 41. AT&T Inc. agrees that it will not raise any objection based on any applicable statute of limitations should Aloft later attempt to re-join AT&T Inc. into the above-titled litigation. Aloft agrees that AT&T Inc. does not waive any and all other defenses that might be asserted should Aloft later attempt to re-join AT&T Inc.

Date: August 20, 2008

By: /s/ Eric M. Albritton with permission
by Linda L. Addison

Eric M. Albritton
Texas Bar No. 00790215
ema@emafirm.com

ATTORNEY AT LAW
PO Box 2649
Longview, Texas 75606
Telephone: (903) 757-8449
Facsimile: (903) 758-7397

Danny Lloyd Williams
Texas Bar No. 21518050
dwilliams@wmalaw.com

Christopher Needham Cravey
Texas Bar No. 24034398
ccravey@wmalaw.com

Matthew Richard Rodgers
Texas Bar No. 24141804
mrodgers@wmalaw.com

WILLIAMS MORGAN & AMERSON PC
10333 Richmond, Suite 1100
Houston, Texas 77042
Telephone: (713) 934-7000
Facsimile: (713) 934-7011

Scott English Stevens
Texas Bar No. 00792024
scott@seslawfirm.com

Kyle Joseph Nelson
Texas Bar No. 24056031
kyle@seslawfirm.com

STEVENS LAW FIRM
111 W. Tyler Street
Longview, Texas 75601
Telephone: (903) 753-6760
Facsimile: (903) 753-6761

Thomas John Ward, Jr.
Texas State Bar No. 21518050
jw@jwfirm.com

WARD & SMITH LAW FIRM
P O Box 1231
Longview, Texas 75606-1231
Telephone: (903) 757-6400
Facsimile: (903) 757-2323

**ATTORNEYS FOR PLAINTIFF,
ALOFT MEDIA, LLC**

By /s/ Linda L. Addison

Linda L. Addison
Texas Bar No. 00903700
laddison@fulbright.com

Eric B. Hall
Texas Bar No. 24012767
ehall@fulbright.com

Daniel S. Leventhal
Texas Bar No. 24050923
dleventhal@fulbright.com

Melanie B. Rother
Texas Bar No. 24041826
mrother@fulbright.com

FULBRIGHT & JAWORSKI L.L.P.
Fulbright Tower
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
Telephone: (713) 651-5151
Facsimile: (713) 651-5246

**ATTORNEYS FOR DEFENDANT,
AT&T INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 20, 2008. Any other counsel of record will be served by First Class U.S. mail on this same date.

/s/ Linda L. Addison